

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

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Anne Smithers, James Mims,)	
Ross Wiley, Thomas Wiley,)	Civil Action No.: 1:18cv676 (TSE/IDD)
Henry Wiley by his Mother and)	
next friend Anne Smithers, Hanna)	
Del Signore,)	
)	
PLAINTIFFS,)	
VS.)	
Frontier Air Lines, Inc., and)	
)	
Aircraft Service International, Inc.,)	
)	
DEFENDANTS.)	MOTION TO CONDUCT PRE-TRIAL
-----)	EVIDENTIARY HEARING ON
)	PERSONAL JURISDICTION PURSUSANT TO
)	F.R.Cv.P. 12 (i) – TO BE HEARD NOVEMBER 2, 2018
)	at 10:00AM WITH PREVIOUSLY NOTICED
)	HEARING FOR DEFENDANTS’ 12(b)(1) AND (2)
)	MOTIONS TO DISMISS

Plaintiffs through their counsel hereby move this honorable Court for a pre-trial evidentiary hearing on personal jurisdiction coincident with tomorrow’s hearing on defendants’ motions to dismiss, including one under F.R.Cv.P 12 (b)(2). This motion is made pursuant to F.R.Cv. P. 12 (i) which specifically allows this approach. Since all parties’ counsel will be present in the Court on 2 November, this motion is most positively addressed now, rather than later, given expense savings for all parties and limited judicial resources. Plaintiffs consulted with counsel to the Defendants who oppose this motion and requested additional discovery at a later time.

The purpose of this request is to address the challenge in Defendants’ motion that the tickets purchased by the Plaintiffs were not purchased in Virginia, since there is no direct averment of that fact. Leaving aside the Court’s discretion to infer where the tickets were

purchased¹, Plaintiff would like to have the individual who purchased the tickets give evidence to the Court. Tomorrow. Which is when the defendants' motion to dismiss under 12 (b)(2) is to be addressed before the Court.

Accordingly Plaintiffs respectfully request that this motion be granted in order to produce one witness, tomorrow, to adduce pre-trial jurisdictional evidence.

Respectfully submitted,

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/s/ Thatcher A. Stone
Thatcher A. Stone
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Admitted in New York
Admitted in this cause Pro Hac Vice

William T. Woodrow, III
Virginia Bar No. 88122
November 1, 2018

¹ The Plaintiffs live in Virginia, left on a Frontier airplane from Virginia, and returned to Virginia.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of November, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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